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ORIGIN IO-10

INFO OCT-01 EUR-12 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 ACDA-05 SAM-01 SAB-01 AF-06

ARA-06 EA-06 NEA-09 /095 R

DRAFTED BY IO/UNP:RLONG:BKM

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EUR/SOV:BZOOK

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O R 051542Z MAY 75

FM SECSTATE WASHDC

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INFO AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY OTTAWA

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E.O. 11652: GDS

TAGS: MARR, UN, UR

SUBJECT: PEACEKEEPING GUIDELINES: QUADRIPARTITE TALKS

REF: USUN 1389

FOR SCALI FROM SISCO

1. RE POSSIBLE FORMULATIONS FOR ARTICLE 4 OF DRAFT PEACE-
KEEPING GUIDELINES COVERING A COMMITTEE TO BE SET UP
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UNDER ARTICLE 29 OF CHARTER, WE NOTE THAT RECENT DRAFT

PROPOSALS HAVE ALL PROVIDEDFOR A COMMITTEE TO ADVISE THE SECURITY COUNCIL, RATHER THAN THE SECRETARY GENERAL AS CALLED FOR IN US 1972 PROPOSAL. WE SEE NO REASON FOR US TO OBJECT TO HAVING ADVISORY ROLE OF COMMITTEE LIMITED TO SECURITY COUNCIL, HOWEVER, ESPECIALLY SINCE COMMITTEE WOULD (IN CASES WHERE IT WAS ESTABLISHED) STILL PROVIDE CONSULTATIVE FORUM FOR TROOP AND FACILITY CONTRIBUTORS. (FYI. IF AT SOME POINT SOVIETS OR OTHERS SHOULD PROPOSE COMMITTEE'S ROLE BE CHANGED TO ADVISE THE SECRETARY GENERAL INSTEAD OF SECURITY COUNCIL, THIS WOULD BE ACCEPTABLE PROVIDED THAT OTHER ASPECTS OF DRAFT ARTICLE ALSO MEET US CONSIDERATIONS. END FYI.)

2. GENERAL CONSIDERATIONS. WITHIN OVERALL CONTEXT OF USG DECISION IN 1973 TO PURSUE GENERALIZED, AS OPPOSED TO

DETAILED, GUIDELINES, PRINCIPAL ELEMENTS OF US POSITION ARE THAT ESTABLISHMENT OF AN ARTICLE 29 COMMITTEE BE DISCRETIONARY EACH TIME A PEACEKEEPING FORCE IS ESTABLISHED WITHOUT ANY PRESUMPTIONIN FAVOR OF SETTING UP SUCH A COMMITTEE, AND THAT THE COMMITTEE BE STRICTLY ADVISORY WITHOUT DECISION MAKING OR VETO POWERS. IT WAS IN THIS CONTEXT THAT WE EXPRESSED PREFERENCE FOR SINGLE PARAGRAPH VERSIONS CITED IN PARA 2 OF STATE 94390. WE HAVE NOTED, HOWEVER, CONCLUSION OF USDEL AND OTHERS THAT SOVIETS WOULD NOT ACCEPT THESE FORMULATIONS.

3. REGARDING FRENCH DRAFT GUIDELINES FOR ARTICLE 29 COMMITTEE CONTAINED PARA 8 REFTEL, FOLLOWING ARE SPECIFIC COMMENTS:

(A) RE FIRST PARAGRAPH, WE UNDERSTAND THAT INITIAL SENTENCE SHOULD BEGIN: "IT COULD BE DESIRABLE FOR THE SECURITY COUNCIL...". ON THIS BASIS, AND WITHOUT BRACKETED LANGUAGE (I.E., "AND ASSIST") WE COULD ACCEPT FIRST PARAGRAPH ASMEETING BASIS US CONSIDERATIONS.

(B) WE HAVE SERIOUS RESERVATIONS ON SECOND PARAGRAPH WHICH ADDS NOTHING TO WORD "ADVISE" IN FIRST PARAGRAPH. IN ADDITION, BY STATING THAT COMMITTEE "COULD RECEIVE" SYG REPORTS THERE MAY BE IMPLICATION THAT SYG WOULD BE REQUIRED CONFIDENTIAL

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TOREPORT THROUGH COMMITTEE TO SECURITY COUNCIL WHICH MIGHTDELAY TRANSMISSION OF REPORTS AND COULD BE BEGINNING WEDGE TO MAKE SYG SUBSERVIENT TO COMMITTEE. MORE IMPORTANTLY, SECOND PARAGRAPH FORMS IMPORTANT BRIDGE TO UNACCEPTABLE THIRD PARAGRAPH.

(C) WE FIND EITHER ALTERNATIVE OF THIRD PARAGRAPH UNACCEPTABLE SINCE EITHER ONE IN EFFECT WOULD ENDOW

COMMITTEE WITH AUTHORITY OVER REPORTS AND ACTIVITIES OF SYG THAT WOULD BE TANTAMOUNT TO DECISION MAKING. WE RECOGNIZE THAT COMMITTEE'S RECOMMENDATIONS WOULD BE SUBJECT TO POSSIBLE SECURITY COUNCIL DISAPPROVAL, BUT THE BURDEN WOULD BE UPON THE SECURITY COUNCIL TO DISAVOW THE COMMITTEE'S RECOMMENDATIONS RATHER THAN MERELY CONSIDERING OR NOTING THEM.

4. IN VIEW OF FOREGOING, AT NEXT QUADRIPARTITE MEETING USDEL MAY ACCEPT FIRST PARAGRAPH WITHOUT BRACKETED LANGUAGE AS SETTING FORTH ESSENTIALS OF ARTICLE 29 COMMITTEE. USDEL SHOULD POINT OUT THAT ADDITIONAL PARAGRAPHS ARE REALLY UNNECESSARY SINCE CONCEPT OF "ADVISE" IS WELL RECOGNIZED TERM IN UN CONTEXT, AND THAT ATTEMPT TO BE OVERLY SPECIFIC ON EXACT FUNCTIONS OF ADVISING WOULD MORE LIKELY RESTRICT COMMITTEE'S OPERATION AND REDUCE ITS FLEXIBILITY. IF, NONETHELESS, THERE IS

GENERAL DESIRE TO SPELL OUT DETAILS OF TERM "ADVISE," USDEL SHOULD PROPOSE PARAGRAPH ALONG FOLLOWING LINES AS ALTERNATIVE TO SECOND AND THIRD PARAGRAPHS: QTE. SUCH A COMMITTEE COULD CONSIDER VARIOUS ASPECTS OF A PEACEKEEPING OPERATION INCLUDING REPORTS OF THE SECRETARY GENERAL, AND COULD TRANSMIT TO THE SECURITY COUNCIL ITS COMMENTS AND VIEWS ON THESE MATTERS. UNQTE. IN PRESENTING THIS ALTERNATIVE, USDEL SHOULD MAKE CLEAR THAT THIS WOULD IN NO WAY RESTRICT SECURITY COUNCIL'S AUTHORITY TO CONSIDER OR TAKE ACTION ON MATTERS IN SYG REPORTS DURING OR EVEN BEFORE CONSIDERATION BY COMMITTEE.

5. FOREGOING WILL HAVE ADDITIONAL ADVANTAGE OF MAINTAINING US NEGOTIATING POSITION UNTIL WE HAVE BETTER IDEA OF HOW FAR SOVIETS ARE WILLING TO MOVE ON THIS POINT. IT IS CONFIDENTIAL

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POSSIBLE THAT SOVIETS MAY ACCEPT THE OPTIONAL CHARACTER OF SUCH A COMMITTEE AND DEMAND THAT IN RETURN US ACCEPT SECOND AND THIRD PARAGRAPHS OF FRENCH DRAFT. SOVIETS MIGHT REASON THAT THEY COULD IN THE FUTURE MAKE CREATION OF A COMMITTEE A SINE QUA NON FOR ESTABLISHING EVERY PEACEKEEPING FORCE, AND US WOULD BE IN DIFFICULT POSITION TO RESIST IF IT HAD STRONG INTEREST IN SUCH FORCE. HOWEVER, USDEL SHOULD RESIST ANY COMPROMISE ON THIS BASIS SINCE THIRD PARAGRAPH SEEMS CLOSE TO INTRODUCING VETO BY CHALLENGE THROUGH BACK DOOR.

6. SINCE EVEN UK ALTERNATIVE FOR THIRD PARAGRAPH WOULD APPARENTLY GRADUALLY INVOLVE COMMITTEE IN AREA OF DECISION MAKING, MISSION REQUESTED SOUND OUT UK ON WHAT THEY HAD IN MIND. SPECIFICALLY, WOULD COMMITTEE HAVE RIGHT TO

DISAPPROVE CERTAIN ACTIONS OR PROPOSALS CONTAINED IN SYG
REPORTS OR TO RECOMMEND SECURITY COUNCIL DISAPPROVAL OF
SUCH ACTIONS OR PROPOSALS? WE NOTE ALSO THAT RECENT
SECURITY COUNCIL RESOLUTIONS ON RENEWAL OF UNEF AND UNDOF
ONLY "CONSIDER" OR "NOTE" CERTAIN ASPECTS OF SYG REPORTS.
CONSEQUENTLY, TO HAVE COMMITTEE RECOMMEND FORMAL APPROVAL
OF REPORTS WOULD CONSTITUTE A FURTHER STEP IN SECURITY
COUNCIL CONTROL OVER SYG ACTIVITIES. IT WOULD BE OF
PARTICULAR INTEREST TO KNOW WHETHER UKUN HAD DISCUSSED
THIS OPTION WITH URQUHART. KISSINGER

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, PEACE TALKS, AMENDMENTS, FOREIGN POLICY POSITION
Control Number: n/a
Copy: SINGLE
Draft Date: 05 MAY 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE104126
Document Source: CORE
Document Unique ID: 00
Drafter: RLONG:BKM
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750157-0101
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750580/aaaacvqy.tel
Line Count: 179
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN IO
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 USUN 1389
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 05 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05 MAY 2003 by BoyleJA>; APPROVED <24 SEP 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PEACEKEEPING GUIDELINES: QUADRIPARTITE TALKS
TAGS: MARR, UR, UK, US, UN
To: USUN NEW YORK
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006